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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,248	07/31/2001	John Holden Bickford	RSW920010143US1	2799

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Jack Friedman
Schneider, Olsen and Watts
3 Lear Jet Lane, Suite 201
Latham, NY 12110

EXAMINER

PYZOCHA, MICHAEL J

ART UNIT PAPER NUMBER

2137

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/919,248

Applicant(s)

BICKFORD ET AL.

Examiner

Michael Pyzocha

Art Unit

2137

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed 06/01/2006 have been fully considered but they are not persuasive. With respect to the rejections made under 35 USC 102(e) Applicant argues: Lindeman fails to disclose determining whether an authentication key is expected to be present in an open field of an email; in response to determining the key is expected to be present, determining if it is present; accepting the email when determining that the key is not expected to be present as exemplified by Applicant's arguments with respect to claim 8. With respect to the rejections made under 35 USC 103(a) in view of Leeds Applicant argues: Leeds fails to teach storing an authentication key associated with an originator; the motivation to combine is lacking; and the combined system does not teach the key is only dependent on an identity of the originator as exemplified by Applicant's arguments with respect to claims 3-5 and 15. With respect to the rejections made under 35 USC 103(a) further in view of Liu et al Applicant argues: Liu et al fails to disclose storing an authentication key in a memory of a recipient of the electronic mail at an address that is dependent upon a source identifier that identifies an originator of the email; the motivation to combine is lacking; Liu has no relation to Lindeman and therefore would not be obvious to combine; Lindeman does not disclose reading or comparing of the authentication key. Applicant further attempts to challenge Examiner's Official Notice.

With respect to Applicant's argument that Lindeman fails to disclose determining whether an authentication key is expected to be present in an open field of an email, whenever there is no tunnel password, the system expects the CZID to be present and in paragraph 106 lines 7-9 Lindeman discloses the CZID being in an open field of the electronic mail, specifically the subject. Furthermore, Lindeman discloses in response to determining the key is expected to be present, determining if it is present, as exemplified above, when there is no tunnel password the CZID is expected to be present and there is a determination as to whether it is present. Finally Lindeman discloses accepting the email when determining that the key is not expected to be present, when the CZID is not present the message is checked to determine if it is from a trusted sender, group or domain, and if it is then a CZID is not expected and the message is accepted. These steps are exemplified in figure 7 and the corresponding description in the specification.

With respect to Applicant's argument that Leeds fails to teach storing an authentication key associated with an originator, this limitation is clearly disclosed in paragraph 37 lines 12-21. With respect to the argument that the motivation to combine is lacking, paragraph 36 gives an overview of the system and paragraph 37 provides more detail and the above cited portions of paragraph 37 further teach the motivation relied upon by the Examiner. With respect to Applicant's argument the combined system does not teach the key is only dependent on an identity of the originator Lineman teaches an authentication key that based on a sender address, destination address and a secret key and Leeds teaches using only the originator's address. Nowhere in Lineman do extract each portion of this information so only using the identity of the originator as taught by Leeds would not destroy the Lindeman reference as alleged by Applicant.

With respect to Applicant's argument that Liu et al fails to disclose storing an authentication key in a memory of a recipient of the electronic mail at an address that is dependent upon a source identifier that identifies an originator of the email, Liu teaches storing a key in a memory dependent upon a source identifier that identifies an originator of the email in column 20 lines 6-14. With respect to the argument that the motivation to combine is lacking, Applicant merely alleges there is no motivation without providing any evidence and therefore the argument is not persuasive. With respect to Applicant's argument that Liu has no relation to Lindeman and therefore would not be obvious to combine, each of the combined references relate to sending and receiving of email messages using keys in some manner and therefore are related and would be obvious to combine. With respect to Applicant's argument that Lindeman does not disclose reading or comparing of the authentication key Applicant is reminded one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

With respect to Applicant's challenge of Examiner's Official Notice, MPEP 2144.03C states, "To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art." Applicants have merely alleged it was not well-known in the art.

Therefore, the well-known in the art statement is taken to be admitted prior art because the traverse was inadequate, pursuant MPEP 2144.03C, "If applicant does not traverse the examiner's assertion of official notice or applicant's traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate." .